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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,600	01/25/2001	Cheryl Goldman		3823

7590 03/29/2002  
Cheryl Goldman  
One Mark Court  
Huntington, NY 11743

EXAMINER

NGUYEN, KIM T

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 03/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/768,600

Applicant  
Goldman

Examiner  
Klm Nguyen

Art Unit  
3714



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Mar 6, 2002
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above, claim(s) 3 and 4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

Applicant's election of Group I, claims 1-2, without traverse in the response on March 6, 2002 (paper No. 3) is acknowledged. By the election, claims 1-2 are examined herein, claims 3-4 are withdrawn from consideration, and claims 1-4 are pending.

#### ***Oath/Declaration***

1. Applicant has not given a complete post office address in the application papers as required by 37 CFR 1.33(a), which was in effect at the time of filing of the oath or declaration. A statement over applicant's signature providing a complete post office address is required.

#### ***Information Disclosure Statement***

2. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered. The disclosed references in the specification in pages 2-7 and 9 are not considered.

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*Specification*

3. The disclosure is objected to because of the following informalities:
  - a) In the specification page 9, line 13, the "portable computer 24" should be corrected to "the portable computer 26" to correspond with the number index in Figs. 1 and 2.
  - b) In the specification page 11, lines 8-9, the "antenna 54" should be corrected to "antenna 45" to correspond with the number index in Figs. 1A and 5.

Appropriate correction is required.

*Claim Objections*

4. Claim 2 is objected to because of the following informalities:

In claim 2, lines 1-2, the claimed limitation "an amplifier for operatively connecting to the **portable computer**" should be corrected to "an amplifier for operatively connecting to the **base computer**", since it is the base computer that receives the second signal from the microchip of the golf ball.

Appropriate correction is required.

*Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 1-2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a) In claim 1, lines 6-7, the claimed limitation “is in communication with the GPS” is ambiguous. It is not clear “what device is in communication with the GPS”. Is it the golf cart that is in communication with the GPS, or is it the base computer that is in communication with the GPS? For further examining purpose, the claimed limitation is read as “the golf cart is in communication with the GPS”.

b) In claim 1, line 7, the claimed limitation “and has a display” is ambiguous. It is not clear “which device has the display”. Is it the golf cart that has the display, or is it the base computer that has the display? For further examining purpose, the claimed limitation is read as “the golf cart has a display”.

c) In claim 1, lines 8-10, the claimed limitation “so as to allow the base computer to determined the location of the golf cart” is ambiguous. It is not clear “what device or what criteria that allows the base computer to determine the location of the golf cart”. For further examining purpose, the claimed limitation is read as “the golf cart and the base computer are linked to the GPS to allow the base computer to determined the location of the golf cart”.

d) Claim 2 is rejected as being dependent on the rejected base claim.

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art (AAPA) in view of Kuesters (U.S. Patent No. 6,113,504).

a. As per claim 1, AAPA discloses a known system which includes a golf course having fixed objects 18 (Fig. 1), a base computer 20 (Fig. 1) which is linked by radio communication to the portable computer 26 (Fig. 1) on the golf cart 12 (Fig. 1) (specification page 9, lines 1-15). The system comprises a signal generator connecting to the portable computer and generating a first signal (specification page 9, lines 5-7). AAPA further discloses a portable controller 70 (Fig. 1A) which generates a first signal when activated (specification page 12, lines 7-8 and 18-20); a golf ball which receives the first signal and generates a second signal in response to the first signal (specification page 13, lines 1-3).

AAPA does not disclose generating the first signal from the portable computer and transmitting the second signal from a microchip in the golf ball. However, AAPA discloses a portable controller 70 (Fig. 1A) capable of generating the first signal (specification page 12, lines 7-8 and 18-20) and an element capable of generating the second signal (specification page 13, lines 1-3). It would have been obvious to a person of ordinary skill in the art at the time the

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invention was made to implement the portable controller 70 (Fig. 1A) to the portable computer 26 (Fig. 1) on the golf cart of AAPA in order to provide a user input device to the user on the golf cart. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement a microchip in the golf ball to generate a second signal in order to facilitate a communication between the golf ball and the base computer 20 (Fig. 1).

AAPA does not disclose sending the second signal to the base computer. However, Kuesters discloses transmitting a second signal from a golf ball to a base computer 82 (Fig. 8); the base computer 82 (Fig. 8) triangulates the location of the golf ball (box 250 in Fig. 8) and generates a third signal to the portable display 90 (Fig. 8) to display the location of the golf ball (box 260 in Fig. 8) (abstract; and col. 8, lines 3-46). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to replace the base computer 20 (Fig. 1) of AAPA with the base computer 82 (Fig. 8) of Kuesters, and to replace the display 28 (Fig. 1) of AAPA with the portable display 90 (Fig. 8) of Kuesters in order to determine the location of the golf ball with respect to the fixed objects and to report the location of the golf ball to the player on the golf cart.

b. As per claim 2, AAPA does not disclose connecting an amplifier to the base computer. However, Official Notice is taken that using an amplifier for amplifying a signal would have been old and well known in the art. See In Re Malcolm 1942 C.D.589; 543 O.G.440. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to

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connect a well known amplifier to the base computer of AAPA in order to compensate signal attenuation to maintain the signal strength at an acceptable level.

*Cited Prior arts*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - i. Dudley (U.S. 5,772,534) discloses a system for locating a golf cart on a golf course
  - ii. Boman (U.S. 5,469,175) discloses determining the distance and direction of a golf ball from the mobile unit (abstract).
  - iii. Goldman (U.S. 6,011,466) discloses a golf ball which receives a first signal and generates a second signal in response to the first signal (col. 6, lines 22-36).
  - iv. Sacca et al (U.S. 5,686,891) discloses using an amplifier for amplifying a signal col. 5, lines 35-39).
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is (703) 308-7915. The examiner can normally be reached on Monday-Thursday from 7:30AM to 5:30PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace, can be reached on (703) 308-4119. The fax phone number for this Group is (703) 308-7768.



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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

A handwritten signature in black ink, appearing to read 'Kim Nguyen', with a stylized flourish at the end.

Kim Nguyen  
Patent Examiner  
March 22, 2002